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ABSTRACT

Five basic courses in a core curriculum for California Community Colleges in the Administration of Justice, phase one of the curriculum guide, are described and outlined. The courses are: Introduction to the Administration of Justice, Principles and Procedures of the Justice System, Concepts of Criminal Law, Legal Aspects of Evidence, Community Relations. For each course, the following information is provided: length of course, course description, course goals, general performance objectives, scope, instructional methods, evaluation methodology, minimum standard of achievement, and selected readings. (For related document, see JC 740 065.) (DB)

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ED 087497

ADMINISTRATION OF JUSTICE EDUCATION

(PART I)

FIVE CORE CURRICULUM

July 1972

DEVELOPMENT COMMITTEE:

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JC 740 064

This publication was prepared by Riverside City College District in cooperation with the California Community Colleges, pursuant to a funding under the Vocational Act of 1968 (Public Law 90-576).

FOREWORD

This core of basic courses for the Administration of Justice curriculum in the California Community Colleges has been developed to be used as a guide for the development of new programs or improvement of existing programs in the Administration of Justice education. The core of courses provide Phase I of a total curriculum that has been structured and developed by a curriculum development task force. The task force was assisted by practitioners from agencies in the justice system.

The project chairman was Mr. Robert Blanchard, Assistant Professor, Administration of Justice Education, Riverside City College. The overall project was planned and coordinated by the Chancellor's Office, Division of Occupational Education under the supervision of J. Winston Silva, Specialist in Criminal Justice Education, California Community Colleges.

This core curriculum guide provides the necessary material for the five basic courses in the Administration of Justice Education and completes Phase I of the total curriculum. Phase II to be published in June 1973, will contain material for occupational choices open to students who aspire to a career in the justice system; choices may be: law enforcement, judicial process, corrections, industrial security and others.

This model includes certain suggested behavioral objectives. These are not intended to be all-inclusive and administration of justice instructors may wish to revise or expand these objectives in their individual program implementation.

Leland P. Baldwin

Leland P. Baldwin
Assistant Chancellor
Occupational Education

UNIVERSITY OF CALIF.
LOS ANGELES

FEB 28 1974

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INFORMATION

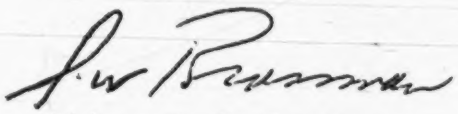
PREFACE

California Community Colleges are sensitive to the needs of people in their districts. Each college strives to provide the necessary occupational programs to meet the employer demands as well as those of its students.

Special occupational programs are designed to fulfill the obligation of the college to the community. These programs are constantly examined and revised for compatibility with local practices as well as national standards used as a base for planning. The administration of justice program is structured in this way to allow for growth of the student and for mobility in his chosen field. A segment of the administration of justice program, of which this core curriculum is the basic component, may be used as a foundation for education that leads to a higher degree of achievement.

This curriculum guide for the core curriculum in the administration of justice is Phase I of a total curriculum being prepared to assist Community Colleges to achieve high standards of preparation and hopefully will be used as a model for the basic program elements.

I hope this material will provide the guidance for continued high performance by college personnel participating in preparing students for a career in the administration of justice occupations.



Sidney W. Brossman
Chancellor

ACKNOWLEDGMENTS

I wish to express my appreciation to those who, by their most generous effort, made this first phase course description guide possible.

First, I would thank the committee members, Tom Adams, Bob Ferguson, Paul Howard and Al Nottingham, who gave so freely of their time and knowledge. A secondary nod of gratitude goes to the entire membership of the California Association of the Administration of Justice Educators, who provided the substantive content of this document. A great degree of appreciation is also due the practitioners in the justice system, other disciplines within the college community and the Ad Hoc articulation committee (for Criminal Justice to the articulation conference) for providing valuable contributions.

Bob Blanchard

Bob Blanchard
Project Chairman
Assistant Professor
Riverside City College

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INTRODUCTORY COMMENTS

Statement of Philosophy

The many Administration of Justice agencies throughout the State and the Nation have evolved from a variety of historical origins at different times and have developed into what we now see as a conglomoration of professions, occupations, and paraprofessions with each requiring certain tangible and intangible skills and bodies of knowledge characteristic to their respective disciplines. The agencies within the Administration of Justice, in broad terms, consist of law enforcement, the courts, and corrections.

During the past several years, Presidential Crime Commissions and numerous other segments representing a cross section of interests have continuously concluded that education of criminal justice system careerists should be based on two primary theses:

1. Sub-systems are no longer in a position to function in a vacuum of isolation from one another, lacking concern for the impact the operation of one sub-system has on the other; and,

2. It is of paramount importance that all system members have a deep sensitivity and understanding of human beings and the society in which they exist. This understanding should include the origin and styles of deviant behavior and current theories and practices on dealing with and treatment of these human weaknesses.

Historically, members of the Administration of Justice system have been educated and trained in an atmosphere of almost total segregation from their sub-system colleagues. Law enforcement, judicial and correctional personnel were educated individually with only a cursory coverage of the other member's subject matter. The segregation of the educational process has even included the almost total isolation of training facilities. Except for their sometimes concurrent attendance at an occasional college class, the members of each component were kept separate. They learned little of what the other members of the system were required to know, and the result has been what sometimes appears to be a total lack of knowledge and understanding of each other's respective roles in justice administration. Sub-system members, training for future involvement within the system, rarely had the opportunity to cross-pollinate ideas and theories on critical issues involving each of the segments. Generally, the first meeting of system members took place in the crucible of "real life", instead of in a laboratory setting which offers a safer environment to exchange points of views and resolve difficulties. This isolationist attitude continues throughout the system in varying degrees today.

It appears inane to provide indepth education for current and future practitioners in atmospheres of isolation and then to expect system members to magically work harmoniously in the "real world" of their constant interaction and overlapping responsibilities. The highly cooperative nature of each segment's inter-relationships in the Administration of Justice requires more than a cursory orientation of the roles and responsibilities of the other segments. A common reservoir of knowledge would

aid measurably in developing and maintaining this cooperative nature.

A common foundation of educational insights into the entire system would assist greatly in developing an understanding and sensitivity to the many difficult problems that face all members within the system. The educational approach needs to be handled on a system-wide basis. This committee has developed a core of five courses with the contents organized to include a "systems approach" to the entire Administration of Justice.

The committee feels that these five courses include a core of knowledge that is common to all segments of the system and will serve as a basic foundation in the building-block concept of the development of a totally integrated system. These courses have been developed with the thought of establishing a proper blend of the liberal arts and behavioral sciences with studies from the justice system.

The program for the Administration of Justice major in a community college should consist of a total of 24 units, including the five courses contained in this guide, which total 15 semester units. The balance of 9 units on a semester basis should be directed toward one of the sub-system components the student chooses as a specialization within the Administration of Justice program. Whether the student chooses Law Enforcement, Courts, Corrections, Criminalistics, Industrial Security, or some other specialization will be determined by how he plans the balance of his schedule in addition to the five core courses. The core courses should be introduced at the lower division level in the college program. The five core courses contained in this project are classified as Part I of a multi-phased master plan program. Part II will include a course outline guide of elective courses the student may take to complete his major requirements.

The committee does not perceive the five core courses as eliminating any elective courses or major courses within law enforcement, judicial or corrections. It views the core curriculum as a common starting block, logically leading into the many choices of elective courses.

In the past police science curriculums, as taught in most colleges, have been duplicated in varying degrees in most police academies. There appears to have been a high degree of overlap in the technical training courses and educational offerings. The academic approach seemed to take a back seat in favor of more traditional training methods and course content. The trend currently tends to avoid this particular approach; however, a relatively few institutions still maintain a somewhat parochial viewpoint on this issue. In some colleges, due to the alleged degree of comparable course content, transferable college units are offered for completion of a basic training academy. These units are not classified as elective credit, but part of the current block of required police science subjects.

It is the intent of the committee to establish a positive position on these controversial issues. In this light, the following points are set forth:

1. The course content as outlined in the proposed five core courses in this guide is academically developed and is not intended to include material which can be construed as training or technically related subject matter.

2. The proposed five core courses are designed to completely articulate to upper division status at 4-year colleges and universities.

3. Transferable unit credit for the five core courses should be granted only if completed in an academic college environment. Peace Officer training academies do not appear to fit this definition.

4. Transferable unit credit for the 9 (semester) units of elective work within the student's area of selected expertise should be awarded only if completed in an academic college environment.

Historical Development and Methodology

The genesis of the five core curriculum development had its inception from the 1970 Annual California Association of the Administration of Justice Educators (then known as the Police Educators Association of California). At that time, the five core courses were standardized and accepted as required classes for all police science majors. The membership adopted these courses with the proviso that the course content be revised and articulate to four year colleges. The project was funded through the California Community Colleges Office late in 1971, and established two major objectives:

1. To develop course content which provides for an academic approach and separated from training or vocationally oriented subject matter; and,

2. To broaden the approach to systematically include all system members within the Administration of Justice.

Reaching these objectives required the following revisions:

1. Restructuring and redesigning course content to be more palatable to all system members.

2. Restating the philosophical viewpoint to include other system members and the elimination of skill techniques or specialized emphasis in areas of interest to only one member within the system.

3. Retitling the courses to fit the system concept.

The committee met initially during October 1971, to establish the methodology of the project. A "request for help" letter went out to over 130 members within the educational field. This included a large percentage of community college educators and many four year college

representatives. The request specified the need for current course outlines on the five core courses and more importantly, how they perceived these courses being taught to keep abreast of future changes and to include the entire justice system.

The returns from the field survey were reviewed, compiled, researched and consolidated and preliminary drafts were developed for each course by each committee member. Each course outline was then discussed at length by the committee sitting as a body and numerous changes were made. During March 1982, a package consisting of a rough draft of each course outline was sent again to the field asking for a critical analysis of each item contained in the courses. Mailings were sent to over 150 professional educators, training officers, and practitioners currently involved in the justice system. Evaluative comments with numerous changes were received from the field and each item was considered for inclusion in the final drafts. Personal interviews were held with representatives from disciplines in the college community not associated with the justice system curriculum, practitioners within the justice system, professional educators and training officers. In May 1982, the committee met for an intensive two day course content review and preliminary final draft study seminar. At this time comments received from the field were discussed and necessary changes to the content were effected.

The course content, as now constituted, reflects the collective opinion of many professionals within the justice system. The committee recognizes the impossible task of "being all things to all people" and completely satisfying the numerous human opinions about every point within each course outline. However, during the entire project, the committee has been sensitive to the constructive evaluations from the field and made every attempt to properly and fairly resolve each issue.

The members of the committee have maintained an attitudinal posture which provided for inclusion of as many varying viewpoints as possible in the developmental phase of these courses. It is felt that this attitude of openness to suggestion and review has aided measurably the validity of course content and objectives.

COURSE CONTENT AND DESCRIPTIONS

* INTRODUCTION TO THE ADMINISTRATION OF JUSTICE

** PRINCIPLES AND PROCEDURES OF THE JUSTICE SYSTEM

*** CONCEPTS OF CRIMINAL LAW

**** LEGAL ASPECTS OF EVIDENCE

***** COMMUNITY RELATIONS

INTRODUCTION TO THE ADMINISTRATION OF JUSTICE

COURSE OUTLINE

LENGTH OF COURSE: 3 semester units or 4 quarter units.

COURSE DESCRIPTION: The history and philosophy of administration of justice in America; recapitulation of the system; identifying the various sub-systems, role expectations, and their inter-relationships; theories of crime, punishment, and rehabilitation; ethics, education and training for professionalism in the system.

COURSE GOALS:

1. To provide a knowledge of the various agencies encompassing the administration of justice system and the inter-relationships between them.

2. To develop the ability of the student to recognize the administration of justice agency best suited to his or her talents and aspirations.

3. To develop an appreciation of the complexity of the total system and importance and dignity of being a part of the system.

GENERAL PERFORMANCE OBJECTIVES:

1. The student completing this course of instruction will be able to demonstrate his knowledge of the evolution of the administration of justice system, its objectives, role expectations, and trends through oral presentations and written examinations with an accuracy of ninety percent.

2. Completion of this course of instruction will develop an awareness of the crime problem. The student will demonstrate his knowledge of causal theories, criminal types, and the implications of crime statistics through a term paper and written examinations with a ninety percent competency level.

3. Instruction shall provide the student with an overview of the organization and operation of administration of justice agencies. The student shall demonstrate his knowledge of the various agency organizational structures and their inter-relationships through short essay assignments and written examinations with a ninety percent competency level.

4. The student completing this course of instruction will develop an appreciation of education, training, and professionalism in the administration of justice system. The student shall demonstrate his knowledge in this area through class discussion, research papers and written examination with ninety percent accuracy.

SCOPE:

I. The Need for Administration of Justice Agencies.

A. Roles and objectives within the Administration of Justice System.

1. Law Enforcement
2. Judicial
3. Corrections

B. Explanations of Crime.

1. Casual Theories
   a. Evolution of theories
   b. Socio-cultural factors
   c. Psychological considerations
   d. Political-economic implications

2. Criminal Classifications
   a. White-collar criminal
   b. Organized crime
   c. Professional vs. casual
   d. Victimless crime

C. Scope of the Crime Problem.

1. Implications of criminal statistics
2. Volume and rate
3. Crime related factors
   a. Human
   b. Time
   c. Environmental

4. The correctional system and its relation to the problem
   a. Theories of punishment
   b. Treatment concepts
   c. Dynamics of recidivism

5. The court system and its relation to the problem.
   a. Time factors
   b. Sentencing procedures

II. Evolution of the Administration of Justice System

A. Development of law enforcement.

1. Early history
2. Development of the English police
3. Development of the United States police

B. Development of the judicial system in the United States.

C. Development of the correctional system.

III. Overview of the Organization and Operation of Justice Agencies.

A. Organization and operation of law enforcement agencies

1. Local
2. State
3. Federal

B. Organization and operation of the court system

1. Local
2. State
3. Federal

C. Organization and operation of the correctional system

1. Local
2. State correctional institutions
3. Federal
4. Probation and parole

IV. An Analysis of Role Expectations in the Administration of Justice System.

A. Law Enforcement

B. Judicial

C. Corrections

D. Private Sector

V. Education and Training

A. Community college programs

1. Academic programs
2. Technical training
3. Academy training

B. State college and university programs

1. Academic
2. Technical

C. Relationship of professional associations

VI. Professionalism

A. Canons and codes of ethics

B. Responsibilities to society

C. Discretionary powers

VII. Trends in the field of administration of justice

A. Current

B. Future

INSTRUCTIONAL METHODS:

1. Lecture and discussion
2. Guest speakers
3. Informational sheets
4. Demonstrations
5. Field trips
6. Transparencies, slides, films, audio-tapes, and video-tapes
7. Outside special projects and reports
8. Exploratory work experience

EVALUATION METHODOLOGY:

1. Written examination
2. Special projects and/or report
3. Attendance
4. Class participation

MINIMUM STANDARD OF ACHIEVEMENT:

Satisfactory achievement on all parts of the evaluation process.

SELECTED READINGS:

Adams, Thomas F., Law Enforcement: An Introduction to the Police Role in the Community, Englewood Cliffs, New Jersey: Prentice Hall.

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Newman, Charles L., Sourcebook on Probation, Parole and Pardons, Springfield, Illinois: Charles C. Thomas, Publisher, 1970.

Niederhoffer, Arthur, and Abrahem S. Blumberg, The Ambivalent Force: Perspectives on the Police, Massachusetts: Ginn and Company, 1970.

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Smith, Alexander B., and Harriet Pollack, Crime and Justice in a Mass Society, Massachusetts: Xerox College Publishing, 1972.

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PRINCIPLES AND PROCEDURES OF THE JUSTICE SYSTEM

COURSE OUTLINE

LENGTH OF COURSE: 3 semester units or 4 quarter units

COURSE DESCRIPTION: An in-depth study of the role and responsibilities of each segment within the Administration of Justice System: law enforcement, judicial, corrections. A past, present and future exposure to each sub-system procedures from initial entry to final disposition and the relationship each segment maintains with its system members.

COURSE GOALS:

1. To provide the student with a knowledge of the procedures involved in the justice system from arrest to release; and,
2. To develop skills in applying this knowledge to an understanding of the operation of the justice system; and,
3. To develop an appreciation of the necessity for the justice system to operate as a cooperating entity so the most effective handling of cases can be provided; and,
4. To develop an ability to utilize the material presented in this course in making appropriate, discretionary decisions as to how to proceed while operating as a member of the system.

GENERAL PERFORMANCE OBJECTIVES:

1. When presented with the procedures involved in the justice system from arrest to release, the student will be able to demonstrate his ability to understand these concepts by passing a written examination with an accuracy of 90%.
2. After developing skills in applying knowledge of the procedures involved from arrest to release to an understanding of the operation of the justice system, the student will be able to give an oral presentation to the class that will demonstrate his understanding.
3. After developing an appreciation of the necessity for the justice system to operate as a cooperating system, the student will demonstrate his knowledge of his appreciation by writing a research paper describing his competency.
4. After developing an ability to utilize material in making appropriate decisions on how to operate as a member of the system, the student will demonstrate his knowledge of system membership by passing an essay examination with an accuracy of 90%.

SCOPE:

I. Conceptualization

A. Sub-systems: from arrest to release

B. Role Identification

C. Role Conflict

D. System or non-system

E. The Challenge of sub-system cooperation

II. Legal Authorization for System

A. U. S. Constitution

B. California Constitution

C. California Penal Code

D. Other related legal provisions

III. Implications of Civil Rights

A. Its effects on system members

B. Constitutional Guarantees

C. Bill of Rights

IV. The Police Process

A. Police Powers

B. Process of Arrest

1. Definitions
2. Purpose
3. Discretionary Powers
   a. As last alternative
   b. Psychological and social impact
4. Peace Officer
5. Private Person
6. Warrant
7. Citation
8. Responsibility of arrestee

C. Initial Confinement

1. Why Jail

2. Alternatives
3. Process of Bail
    a. Historical aspects of bail
    b. Purpose
    c. Injustice
    d. Reform

V. Coroner - Medical Examiner

A. Historical and legal considerations

B. Responsibilities of the office

C. The Inquest process

VI. Prosecuting Attorneys

A. Types

1. Attorney General
2. District Attorney
3. City Attorneys

B. Functions

1. Role and Responsibilities
2. Legal Authority - Discretionary Powers
3. Organization/Staffing
4. Relationship to City, State, Federal Prosecution
5. Political Implications
6. Strengths and Weaknesses
7. Contemporary Issues

VII. Defense Attorneys

A. Public Defenders

1. Role and Responsibilities
2. Legal Authority
3. Organization/Staffing
4. Political Involvement
5. Fees
6. Relationship with system members

B. Private Counsel

1. Politics of Defense
2. Fees
3. Manipulating the System
    a. Continuances
    b. Jury Selection

C. Legal Aid Society

1. Purpose
2. Historical Development
3. Fees
4. Organization/Staffing
5. How Supported
6. Political Problems

VIII. State and Federal Regulatory Agencies

A. ABC

B. Public Utilities Commission

C. F.C.C.

D. F.A.A.

E. Federal Security

F. Consumer Affairs Council

G. Labor Commission

H. State Compensation

I. DMV

IX. Courts

A. Court Structure and Jurisdiction

1. Justice
2. Municipal
3. Superior
4. State Appellate
5. State Supreme
6. Federal District Court
7. Federal Appellate Court
8. Federal Supreme Court

B. Magistrate and Referee

1. Historical Significance
2. Responsibilities and Duties
3. How Selected
4. Qualifications
5. Political Implications
6. Discretionary Powers
7. Tenure
8. Removal

C. Court Officers

1. Clerk
2. Constable, Marshal and Sheriff
3. Recorder

X. Grand Jury

A. Functions of the Jury

1. Criminal Process
   a. Recommendations
   b. Indictments

2. Civil Obligations

B. Historical Factors

C. Grand Jury Proceedings

1. Selection Process
2. Tenure

D. Contemporary Issues

XI. Judicial Process

A. Accusatory Pleadings

1. Complaints
2. Information
3. Indictments

B. Jurisdiction and Venue

1. Definition
2. Types of Jurisdiction

C. Court Appearances and Proceedings

1. Purpose - Rights of Defendant
2. Arraignments
   a. Types of pleas
   b. Negotiated Plea

3. Preliminary Examination
4. Grand Jury Indictment
5. Trials
6. Appeals
7. Sentencing Hearing
8. Court Role of Probation Officer

D. The Verdict

1. Instruction to Jury
2. Deliberation
3. Types of verdicts

E. Sentencing Process

1. Probation review and recommendation
2. Diagnostic Research
3. Definite/indeterminate sentance
4. Sentence as prescribed by law
5. Granting probation
6. Inequity of sentences
7. Adult authority
   a. Responsibilities
   b. Constituted Authority

XII. Correctional Concepts

A. General Philosophy

1. Stated objectives
2. Success factor

B. Process upon sentencing

1. Reception Guidance Centers
   a. Classification and assignment

2. Role of Adult Authority
   a. Determination of sentence
   b. Assessment of rehabilitation

C. Security Facilities

1. Maximum
2. Medium
3. Minimum
4. Locations

D. Rehabilitation - Reality or Myth

1. Purpose
2. Models
3. Contemporary Issues

E. Present concept of treatment

1. Community treatment centers
2. Model centers for treatment
   a. Prisons without walls

3. Responsibility of educational institutions

F. The Functions of Parole

1. Objectives
   a. Rehabilitation under supervision
   b. Social reintegration

2. The Parolee
3. Role of the Parole Officer as a change agent
4. Case load
5. Success factor
6. Conditions of Parole

XIII. Community Service Organizations

A. Purposes

1. Reason for development
2. Relationship with the Justice System
3. Objectives of service

B. Organizations

1. Teen challenge
2. Youth centers
3. Free clinics
4. Narcotics rehabilitation homes
5. Alcohol rehabilitation homes
6. Suicide Prevention Centers
7. Crash pads

INSTRUCTIONAL METHODS:

1. Lecture
2. Seminar Style Discussion
3. Guest Lecturers
4. Demonstration
5. Case Studies
6. Community based field trips
7. Resource texts
8. Correlary readings
9. Special projects or papers and present for class evaluation

EVALUATION METHODOLOGY:

1. Essay Examination
   a. Quizzes
   b. Mid-term
   c. Final

2. Active participation during class discussion
3. Special project, paper or case study presentation to class
4. Attendance

MINIMUM STANDARD OF ACHIEVEMENT:

1. Satisfactory completion of all stated performance objectives. A minimum score of 70% out of a possible 100% on all examinations, papers, presentations and special projects.

SELECTED READINGS:

Bristow, Allen and John B. Williams, Criminal Procedure and the Administration of Justice, Beverly Hills: Glencoe Press, 1966.

Carlson, Ronald L., Criminal Justice Procedure for Police, Cincinatti: The W. H. Andersen Company, 1970.

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CONCEPTS OF CRIMINAL LAW

COURSE OUTLINE

LENGTH OF COURSE: 3 semester units or 4 quarter units

COURSE DESCRIPTION: Historical development, philosophy of law and constitutional provisions; definitions, classification of crime, and their application to the system of administration of justice; legal research, study of case law, methodology, and concepts of law as a social force.

COURSE GOALS:

1. To provide the student with a knowledge of the historical development of law and the philosophy of law.
2. To familiarize the student with the United States Constitution and to integrate constitutional provisions with the fundamentals of law.
3. To introduce the student to basic legal definitions and concepts which provide a foundation for law.
4. To develop within the student an appreciation for the value of case study and legal research as a means of interpreting court decisions in relation to the written statutes.

GENERAL PERFORMANCE OBJECTIVES:

1. When presented with an historical perspective of law, the student will be able to give an oral presentation to the class that would demonstrate his understanding of the cultural evolution of law. Each student will also be able to answer questions in a written examination pertaining to the philosophical and historical development of law with accuracy of 90%
2. When confronted with a legal problem, the student will be able to locate appropriate cases and exercise sound discretion based upon legal research methodology and will be able to write briefs concerning decisions rendered in these cases that will demonstrate his understanding of the application of legal research.
3. When confronted with constitutional amendments, the student will develop a perception of contemporary issues relating to the administration of justice and will be able to demonstrate his knowledge of the legal concepts examined in class by writing a term paper describing these concepts.

4. When introduced to the basic legal definitions and concepts of law for non-lawyers, the student will develop the ability to cope with operational experiences by applying these definitions and concepts to the relevant legal codes in the administration of justice. The student will be able to demonstrate his ability to understand legal definitions and concepts by passing a written examination with accuracy of 90%

SCOPE:

I. Legal Research and Methodology

A. Ramifications of legal research

B. Orientation to case citations

C. Outline of the legal brief

D. Use of the law library

E. Attorney General Opinions

II. Philosophical and Historical Development

A. General and Specific sources of law

B. Development of common law

C. The concept of Stare Decisis

D. Pre-emption

E. Repeal

F. Mala in Se vs. Mala Prohibita crimes

G. Crimes without victims

H. Federal constitutional provisions

I. Police power

J. Substantive vs. procedural law

III. The Nature of Criminal Law

A. The definition of crime

B. The purpose of criminal law

C. The language and construction of penal statutes

D. Conflicts between statutes

E. Distinction between crimes and torts

F. Criminal and civil liability

G. Judicial review

IV. Classification of Crimes

A. Distinction between felonies, misdemeanors, and infractions

B. Punishments

C. Prior convictions

D. Lesser and included offenses

E. Double jeopardy

V. Corpus Delecti - Elements of Crime

A. Role of corpus delecti

B. Act and intent - negligence

C. Proximate cause

D. General intent

E. Specific intent

F. Transferred intent

VI. Capacity to Commit Crime

A. Exemptions to criminal liability

B. Diminished capacity

C. Capital crimes

D. Malice

E. Motive

F. Intoxication

G. Parties to a crime

H. Attempts

I. Conspiracy

VII. Overview of Specific Crimes

A. Crimes against the person and property

1. General application of segments V and VI

B. Crimes against public decency, morality and the public peace.

1. Historical development
2. Constitutionally related discussion
3. Community standards

C. Related enforceable laws

1. Health and Safety
2. Business and Professions
3. Welfare and Institutions
4. United States Code
5. Fish and Game
6. City and County Ordinances

INSTRUCTIONAL METHODS:

1. Lecture and discussion
2. Case study of recent court decisions
3. Students to brief and discuss case and its implications to the administration of justice
4. Field trip to county law library
5. Handouts
6. Texts and supplemental resources

EVALUATION METHODOLOGY:

1. Written Examinations
   a. Quizzes
   b. Mid-term
   c. Final
2. Active participation in class discussion
3. Presentation of research papers to class
4. Attendance

MINIMUM STANDARD OF ACHIEVEMENT:

Satisfactory achievement on all evaluation methods, with a minimum score of 70% on a possible total of 100%.

SELECTED READINGS:

Black's Law Dictionary

California Law and Procedure, California Bar review course.

Chamelin and Evans, Criminal Law for the Policeman, Pub. Prentice Hall.

Corpus Juris Secundum and California Jurisprudence Encyclopedias.

Cox, The Warren Court.

Fleming and Hunt, California Criminal Law Manual, Pub. Burgess Publishing Company.

Fricke and Alarcon, California Criminal Law, Pub. Legal Book Store.

Levy, Leonard, Judicial Review and the Supreme Court, Pub. Harper Torch Books.

Menninger, The Crime of Punishment.

Pantaleoni and Bigler, California Criminal Law.

Pollac, Louis, The Constitution and the Superior Court, Pub. World Publishing Company.

Sheppard's Citator

West Co. Digest

Williams, Criminal Law Case Book, Pub. Glencoe Press.

LEGAL ASPECTS OF EVIDENCE

COURSE OUTLINE

LENGTH OF COURSE: 3 semester units, 4 quarter units

COURSE DESCRIPTION: Origin, development, philosophy and constitutional basis of evidence; constitutional and procedural considerations affecting arrest, search and seizure; kinds and degrees of evidence and rules governing admissibility; judicial decisions interpreting individual rights and case studies.

COURSE GOALS:

1. To provide the student with a working knowledge of the rules of evidence, the various kinds of evidence, and the admissibility of evidence.
2. To develop in the student the ability to evaluate the various kinds of evidence available in a given case in order to determine its admissibility in court.
3. To develop in the student skill in handling case material so that evidence admissibility will not be destroyed by improper techniques or procedures.
4. To develop in the student an appreciation of the value of all kinds of evidence and the need to use proper procedures and techniques so as to maintain the value and admissibility of evidence.
5. To impress upon the student that legally admissible evidence is the end product of all the work and effort of the crime investigator, and that it is essential that he possess a sound knowledge of the rules of evidence.

GENERAL PERFORMANCE OBJECTIVES:

1. The student will be able to demonstrate a working knowledge of the rules of evidence, the various kinds of evidence, and the admissibility of evidence by passing a written examination.
2. The student will be able to evaluate the various kinds of evidence available in a given case and will demonstrate this ability by writing a term paper concerning its admissibility in court.
3. The student will demonstrate his ability to use proper procedures in maintaining the value of evidence by performing statisfactorily in a roll playing setting, involving a hypothetical case.

4. The student will demonstrate that he knows how to relate legally admissible evidence to the corpus delecti of the crime under investigation by passing a written examination.

SCOPE:

I. Evolution of Evidence

A. What is evidence?

B. Proof and burden of proof

C. Reasons for rules of evidence

D. The evidence code

E. Application of rules of evidence

F. Doctrine of judicial notice

G. Presumption

II. Detention and Arrest

A. Constitutional authority

B. Procedures - Probable Cause

C. Evolution of case law

1. Weeks
2. Cahan
3. Rochin
4. Wolf
5. Mapp
6. Miranda

III. Search and Seizure

A. History and Development - case law

B. The exclusionary rule - definition

C. Define

1. What is a search
2. What is a seizure

D. Search warrants

E. Search incidental to arrest

F. Consent search

G. Search and seizure incidental to arrest

1. Cursory Search
2. Temporary detention
3. Stop and frisk

H. Search of

1. Houses
2. Vehicles
3. Other places

IV. Discovery

A. Reporting and discovering procedures

B. What is the right of discovery

C. Importance to investigator

D. Pre-Trial Discovery

E. Right of discovery through preliminary hearing

F. Prosecution's right of discovery

G. Unavailability of original notes

V. Types of Evidence

A. Real evidence

1. Defined
2. Examples

B. Direct

1. Defined
2. Examples

C. Circumstantial

1. Defined
2. Examples

D. Prejudice

E. Specific kinds

1. Character
2. Manner of proof
3. Character of victim

F. Similar or related acts of circumstances

1. General
2. Intent, motive, and knowledge
3. Common scheme or design
4. Inter-connected offenses

G. Other circumstances

1. Possession of recently stolen property
2. Sudden affluence
3. Flight or other evasion
4. Complaint in sex offenses
5. Threats and prior difficulties

VI. Witnesses - Competency

A. Definition

B. Grounds for qualification and disqualification

C. Analysis of statutory grounds

VII. Privileged Communication

A. Basic statutes - evidence code

B. General

C. Attorney and Client

1. Nature of privilege
2. Requirements
3. Exceptions

D. Husband and wife

1. Privilege not to testify against spouse
   a. Nature of privilege
   b. Requirements
   c. Exceptions

2. Privilege for confidential marital communication
   a. Nature and purpose
   b. Requirements
   c. Exceptions

E. Physician and Patient

1. Nature of privilege

F. Psychotherapist and Patient

1. Nature of privilege
2. Requirements

G. Clergyman and Confessor

1. Nature of privilege

H. Identity of Informer

1. Nature of privilege
2. Disclosure necessary for fair trial
3. Where disclosure not required

I. News Media

1. Nature of privilege

VIII. Self incrimination and nontestimonial compulsion

A. Basic statutes - evidence code

B. Nature of privilege

C. Distinction between defendant and witness privilege

D. Scope of privilege

E. Granting immunity and effect

F. What constitutes compulsion to testify

G. Nontestimonial compulsion

H. Brutal body examination

I. Reasonable body examination

IX. The Opinion Rule

A. Basic statutes - evidence code

B. Non-expert testimony

C. Expert opinion

1. Common knowledge

X. Impeachment, Corroboration and Refreshing Memory

A. Basic statutes - evidence code

B. Impeachment

C. Corroboration

D. Refreshing recollection of memory

E. Past recollection recorded

XI. Hearsay

A. Defined

B. Dying declaration

C. Spontaneous or contemporaneous statements

D. Statements against interest

E. Mental state

F. Business records

G. Official records

H. Family history

XII. Confessions and Admissions

A. Basic statutes - evidence code

B. Statement of constitutional rights

C. Miranda Warning

D. Case law affecting interviewing

XIII. Documentary Evidence

A. Basic statutes - evidence code

B. Best evidence rule

C. Recordings

D. Official writings

XIV. Photographic Evidence

A. Photographs as evidence

B. First rule of admissibility - relevancy

C. Second rule of admissibility - accurate representation

D. Identification of a Photograph

E. Posed photographs

F. Gruesome photographs

G. Nude photographs

H. Motion pictures as evidence

I. Colored photographs

J. Prints to be used as evidence

XV. Introducing Evidence at Trial

A. Proper handling of evidence and maintaining chain of evidence

B. Connecting evidence with issues of trial

C. Tactics of defense to discredit evidence

INSTRUCTIONAL METHODS:

1. Lecture - Discussion
2. Demonstration
3. Guest Speakers
4. Information Sheets
5. Transparencies, slides, films, and video tape
6. Moot Court (Role Playing)
7. Field Trips to a court in action
8. Special projects or case study and report

EVALUATION METHODOLOGY:

1. Written examinations
   a. Mid-terms
   b. Final exam
2. Written project or case study report
3. Attendance
4. Active class participation

MINIMUM STANDARD OF ACHIEVEMENT:

1. Satisfactory completion of all stated performance objectives. A minimum score of 70% out of a possible 100% on all examinations, papers, presentations and special projects.

SELECTED READINGS:

Louisell, David W., John Kaplan, Jon R. Waltz, Principles of Evidence and Proof, Mineola, New York: The Foundation Press, Inc., 1968.

Stuckey, Gilbert B., Evidence for the Law Enforcement Officer, New York: McGraw-Hill Book Company, 1968.

Weston, Paul B., Kenneth M. Wells, Criminal Evidence for the Police, Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1971.

COMMUNITY RELATIONS

COURSE OUTLINE

LENGTH OF COURSE: 3 semester units or 4 quarter units

COURSE DESCRIPTION: An in-depth exploration of the roles of the Administration of Justice practitioners and their agencies. Through interaction and study the student will become aware of the interrelationships and role expectations among the various agencies and the public. Principal emphasis will be placed upon the professional image of the system of Justice Administration and the development of positive relationships between members of the system and the public.

COURSE GOALS:

1. Acquire a broad base of information regarding the social and ethnic structure of the community and the variety of cultural influences.

2. Develop an awareness of the many real and/or imagined problems of the various segments of the community in relationship to the Criminal Justice System. This shall be accomplished by means of an opinion survey, survey of available literature, lectures, and guest appearances.

3. Participate in discussions and group projects to acquire an awareness of the social and personal needs of the various individuals and groups of individuals in the modern society that may have previously been foreign to the awareness and experience of the students.

4. Identify conflicts in principles and philosophies of individuals and groups of individuals that contribute to confrontations and physical conflict with different segments of the criminal justice system.

GENERAL PERFORMANCE OBJECTIVES:

1. The student will demonstrate his fundamental knowledge of police procedures and philosophy and ability to explain them in informal dialogue session in real and simulated sessions. He will be rated by his fellow students on a five point chart and will meet the minimum standards agreed upon by the rating group.

2. Each student will participate in a group project consisting of one of the topics decided upon during the first three meetings of the course. He will perform according to the minimum standards decided upon by the project team, and the final product of each group must be acceptable according to the requirements of a chief of police, probation officer, judicial process representative, or department head or his designee whose agency has the need for such a project. (This is determined by the instructor prior to the beginning of the course).

3. The student will prepare a report or critique that reflects his critical evaluation of class activity or guest appearance. He will describe the activity, evaluate it in terms of relativity to the course objectives, and will make positive recommendations for future activities of a similar nature. The critique will meet the requirements of the form.

4. In simulated and actual situations, each participant will demonstrate his ability to engage in dialogue with people from a variety of backgrounds and different points of view, and will explain the justice system and policies to the satisfaction of a team of his peers serving as evaluators with a score of at least seventy out of a possible one-hundred points.

SCOPE:

I. Lecture Outline

A. History of change in community relations in the Administration of Justice.

1. "Public" vs "Community" Relations
2. Agency Responsibility to the communities they serve

B. Agency Based Community Relations Programs

1. Description and Discussion of on-going programs
2. Police - Courts - Corrections

C. Human Relationships and Cultural Consideration

D. Communications

1. Verbal
2. Non-Verbal
3. Listening
4. Blocks to effective communications
5. Overcoming the blocks

E. Dynamics and Media

1. Criminal Justice-Press Relationships
2. Policies and Procedures of agencies
3. Agency-Community Relationships

F. Militant and Dissident Organizations

1. Current trends
2. Identification of organizations and leaders
3. Philosophies and methods utlized by the organization

G. Students Culture and Justice System

1. Relationships

H. Discretionary Decision Making

1. Alternatives
2. Psychological Impact

I. The System Image

1. Law Enforcement
2. The Courts
3. Corrections

II. Role Play and Actual Dialogue Sessions

Suggested topics. Guest speakers and simulated representatives chosen from the class or elsewhere, should be utilized to expose the student to a wide variation of points of view.

A. Current Topics from news items

B. Law Enforcement

1. The police and civil rights
2. Local minority group - police relationships
3. Police policy on when to shoot
4. Probable cause for field interviews
5. Police responsibility at family disturbances
6. Police weapons, are they humane?
7. Too much "police protection" of certain neighborhoods
8. Officer powers of arrest and search
9. Prejudicial - Preferential treatment by police
10. Lack of uniformity in law enforcement
11. Traffic control and law enforcement
12. Unpopular narcotics laws and enforcement

C. Courts

1. What is the value of the Bartered Plea?
2. Why do the courts let arrested criminals off on technicalities?
3. Discussion of equity in meeting out sentences
4. How do judges determine length of sentence?
5. Is the Supreme Court exceeding its authority?
6. Describe the role of the District Attorney
7. Why does an attorney defend a client he knows is guilty?
8. Is there a value to the public defender system?

D. Corrections

1. Why give 72 hour passes to criminal convicts?
2. What factors determine a good probation risk?
3. What types of punishment is administered in prisons?
4. Does parole fail?
5. Community centered treatment programs
6. Parolees as parole officers
7. Is the prison system working as it should?
8. Is probation better for rehabilitation than imprisonment?

III. Group Projects

Topic and procedure for study and development to be determined by the instructor and the class. It should be related to the lecture topics and a group presentation may take the place of a lecture.

INSTRUCTIONAL METHODS:

1. Lecture
2. Seminar Style Discussion
3. Guest Lecturers
4. Demonstration
5. Case Studies
6. Community based field trips
7. Resource texts
8. Correlary readings
9. Special projects or papers and present for class evaluation

EVALUATION METHODOLOGY:

1. Essay examination
   a. Quizzes
   b. Mid-term
   c. Final

2. Active participation during class discussion
3. Special project, paper or case study presentation to class
4. Attendance

MINIMUM STANDARD OF ACHIEVEMENT:

1. Satisfactory completion of all stated performance objectives. A minimum score of 70% out of a possible 100% on all examinations, papers, presentations and special projects.

SELECTED READINGS:

Readings should cover literature which provides a variety of viewpoints to offer the student a total perspective of the complexity of the problems within the system.

A National Survey of Police and Community Relations, National Center on Police and Community Relations, School of Police Administration and Public Safety, Michigan State University, Field Survey, Washington, D.C.: Superintendent of Documents, U.S. Government Printing Office, 1967.

Banton, Michael, The Policeman in the Community, New York: Basic Books, Inc., 1964.

Berson, Lenora E., Case Study of a Riot: The Philadelphia Story, New York: Institute of Human Relations Press, American Jewish Committee, 1966.

Biderman, Albert D., Louis A. Johnson, Jennie McIntyre and Adrianne W. Weir, Report on a Pilot in the District of Columbia on Victimization and Attitudes Toward Law Enforcement - Field Surveys I, Washington, D.C.: Superintendent of Documents, U. S. Government Printing Office, 1967.

Bordua, David J., (ed.) The Police: Six Sociological Essays, New York: John Wiley & Son, 1967.

Coffey, Alan, Edward Eldefonso and Walter Hartinger: Human Relations: Law Enforcement in a Changing Community, New Jersey: Prentice-Hall, 1971.

Cray, Ed., The Big Blue Line: Police Power Versus Human Rights, New York: Cowan McCann, Inc., 1967.

Earle, Howard H., Police Community Relations, Springfield, Illinois: Charles C. Thomas, Publisher, 1967.

Gellhorn, Walter, When Americans Complain: Governmental Grievance Procedures, Cambridge, Massachusetts: Harvard University Press, 1966.

LaFave, Wayne R., Arrest: The Decision to Take a Suspect into Custody, New York: Little, Brown & Co., 1965.

Law Enforcement: A Report on Equal Protection in the South, Washington, D.C.: Superintendent of Documents, U. S. Government Printing Office, 1965.

Lohmann, Joseph D., and Gordon E. Misher, The Police and the Community. The Dynamics of Their Relationship in a Changing Society. Volumes 1, 2 and 3, Field Surveys, Washington, D.C.: Superintendent of Documents, U. S. Government Printing Office, 1967.

Memboisse, Raymond M., Community Relations and Riot Prevention, Springfield, Illinois: Charles C. Thomas Publisher, 1967.

National Survey of Police and Community Relations. President's Commission on Law Enforcement and Administration of Justice, Washington, D.C.: Superintendent of Documents, U. S. Government Printing Office, 1967.

Niederhoffer, Arthur, Behind the Shield: The Police in Urban Society, New York: Doubleday & Co., Inc., 1967.

Pfiffner, John M., The Function of the Police in a Democratic Society, Los Angeles School of Public Administration Civic Center Campus,. Center for Training and Career Development, University of Southern California, 1967.

Radano, Gene, Walking the Beat: Cleveland World Publishing Co., 1968.

Reiss, Albert, Jr., Studies in Crime and Law Enforcement in Major Metropolitan Areas. Volumes 1 and 2, Field Surveys, Washington, D.C., Superintendent of Documents, U. S. Government Printing Office, 1967.

Task Force Report: The Police, President's Commission on Law Enforcement and Administration of Justice, Washington, D.C.: Superintendent of Documents, U. S. Government Printing Office, 1967.

The Challenge of Crime in a Free Society. President's Commission on Law Enforcement and Administration of Justice, Washington, D.C.: Superintendent of Documents, U.S. Government Printing Office, 1967.

Waskow, Arthur I., From Race Riot to Sit-In, Garden City, New York: Doubleday & Co., 1966.

Watson, Nelson A., Police-Community Relations, Washington, D.C.: International Association of Chiefs of Police, Research and Development Division, 1966.

An excellent Bibliography may be found in:

Hewitt, William H. and Charles L. Newman, Police-Community Relations: An Anthology and Bibliography. Mineola, New York: The Foundation Press, 1970.